

PROCEDURES TO OBTAIN INTERIM PAYMENTS UNDER THE CRIMINAL JUSTICE ACT

When it is considered necessary and appropriate in a specific case, the presiding trial judge may arrange for periodic or interim payments to counsel. Once permission of the court has been obtained counsel should prepare an order outlining payment procedures and specifically addressing payment for actual expenses, travel and compensation (see order attached).

This order is submitted to the CJA Administrator in the Vicinage in which you were appointed for submission to the trial judge, who in turn submits it to the chief judge of the circuit or his/her designee for final approval.

Once the order has had final approval, vouchers are submitted on a monthly basis, with full documentation of all expenses claimed on the voucher, to be approved for payment by the trial judge. Counsel receives two thirds of the amount of in and out of court time approved on each interim voucher plus the full amount of approved expenses.

Use the voucher that was supplied to you when you were appointed as your first interim voucher. (Signed by the judge with appointment date). Make copies of this voucher and use for interim and final billings.

You do not need to supply an excess compensation memo for each interim voucher that exceeds \$3,500.00. It should be submitted with the final voucher.

Please enter the dates for the time period covered by that interim voucher in Box 19 and number your vouchers sequentially in Box 22.

Interim Vouchers should be submitted to cover the time period through the end of service.

When submitting the final voucher, enter the totals for services rendered from date of appointment to the end of service. From this voucher, you will be paid the 1/3 amount of court time withheld from the interim vouchers, if approved by the Court.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

CR. NO.

VS.

ORDER FOR INTERIM PAYMENT FOR
REPRESENTATION OF COUNSEL
PURSUANT TO THE CRIMINAL
JUSTICE ACT 18:3006(A)

Because of the complexity of the case, the expected length of pretrial preparation and the length of the trial in this case, and the anticipated hardship of counsel in undertaking representation full-time for such a period without compensation, in accordance with paragraph 2.30 of the Guidelines for the Administration of the Criminal Justice Act, the following procedures for interim payments shall apply during the course of your representation in this case:

1. SUBMISSION OF VOUCHERS

Counsel shall submit to the Court Clerk, once each month, an interim CJA Form 20 "Authorization and Voucher for counselling Services". Compensation earned and reimbursable expenses incurred from the first to the thirty-first day of each month shall be claimed on an interim voucher submitted no later than the fifth day of each month, or in the first business day thereafter. The first interim voucher shall reflect all

compensation claimed and reimbursable expenses incurred from the date of appointment to _____ and shall be submitted no later than _____; thereafter, the vouchers shall be submitted once each month according to the schedule outlined above. Each voucher shall be numbered in series in Box 22 and include the time period it covers in Box 19. All interim vouchers shall be supported by detailed and itemized time and expense statements. Chapter 2, Part C of the Guidelines for the Administration of the Criminal Justice Act outlines the procedures and rules for claims by CJA attorneys and should be followed regarding each voucher.

The Court will review the interim vouchers when submitted, particularly with regard to the amount of time claimed, and will authorize compensation to be paid for the two-thirds of the approved/certified compensation. The Court will also authorize for payment for all reimbursable expenses reasonably incurred.

At the conclusion of representation, counsel should submit a final voucher seeking payment of the one-third balance withheld from the earlier interim vouchers. The final voucher shall be labeled as such in Box 22 and shall set forth in detail the time and expenses claimed for the entire case, including all appropriate documentation. After reviewing the final voucher, the Court will submit it to the Chief Judge of the Circuit for review and approval.

2. REIMBURSABLE EXPENSES

Counsel may be reimbursed for out-of-pocket expenses reasonably incurred incident to representation. While the statute and applicable rules and regulations do not place a monetary limit on the amount of expenses that can be incurred, counsel should incur no single expense item in excess of \$150 without PRIOR approval of the Court. Such approval may be sought by filing an ex parte application with the Clerk stating the nature of the expense, the estimated dollar cost and the reason the expense is necessary to the representation. An application seeking such approval may be filed in camera, if necessary. Upon finding that the expense is reasonable, the Court will authorize counsel to incur it. Recurring expenses, such as telephone calls, photocopying and photographs, which aggregate more than \$150 on one or more interim vouchers are not considered single expenses requiring Court approval.

With respect to travel outside of the city-county-state for the purpose of consulting with the client or his or her former counsel, interviewing witnesses, etc., the \$150 rule should be applied in the following manner. Travel expenses, such as, mileage, parking fees, meals and lodging, can be claimed as itemized expenses. Therefore, if the reimbursement for expenses relating to a single trip will aggregate an amount in excess of \$150, the travel should receive **PRIOR** authorization of the Court.

The following additional guidelines may be helpful:

(a) Case related travel by privately owned automobile should be claimed at the rate of 32.5¢ per mile, plus parking fees, ferry fees, and bridge, road and tunnel tolls. Transportation other than by privately owned automobile should be claimed on an actual expense basis. If travel is authorized, arrangements can be made at Government rates through the National Travel Center. Please contact the C.J.A. administrator in the Clerk's office for additional guidance. Air travel, in "first class" is prohibited.

(b) Actual expense incurred for meal and lodging while traveling outside of the city/county of Trenton in the course of representation must conform to the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations. For specific details concerning high-cost areas, counsel should consult the Clerk.

(c) Telephone toll calls, telegrams, photocopying and photographs can all be reimbursable expenses if reasonably incurred. However, general office overhead, such as rent, secretarial help and telephone service, is not a reimbursable expense, nor are items of a personal nature. In addition, expenses for services of subpoenas on fact witnesses are not reimbursable, but rather are governed by F.R.Crim.P. Rule 17 and 23 U.S.C. §1825.

3. FURTHER QUESTIONS OR GUIDANCE

Answers to questions concerning services under the Criminal Justice Act, can generally be found in (1) 18 U.S.C. 3006(A); (2) the Plan of the United States District Court for the District of New Jersey, available through the Clerk; and (3) Guidelines for the Administration of the Criminal Justice Act, published by the Administrative Office of the U.S. Courts, also available through the Clerk. Telephone inquiries may be directed to the Clerk's Office in Trenton, New Jersey, specifically, William J. Holland Jr., at (609) 989-2328.

DATE: _____

U.S.D.J.

APPROVED

DATE: _____

RICHARD L. NYGAARD, JUDGE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT